

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:10cr44

UNITED STATES OF AMERICA,)	
)	
Appellee,)	
)	
)	
vs.)	<u>ORDER</u>
)	
)	
ELIZABETH M. O’NAN.)	
)	
Appellant.)	
_____)	

THIS MATTER is before the Court on the Appellant’s “Motion to Stay Judgement Pending Final Appeal” [Doc. 7].

On December 11, 2009, the Appellant Elizabeth M. O’Nan was issued a citation for blocking, restricting, or otherwise interfering with the use of a road, trail or gate, in violation of 36 C.F.R. § 261.12(d). [Doc. 1]. On June 22, 2010, the Appellant was found guilty of this offense and was ordered to pay a fine of \$500, a \$10 assessment, a \$25 processing fee, and restitution in the amount of \$3,250 to the United States Forest Service. The Appellant further was ordered not to interfere with the use of Forest Service Road 118A in any manner for a period of five (5) years. [Judgment

in a Criminal Case, Doc. 1]. Having appealed this Judgment to the District Court, the Appellant now moves for a stay of the Judgment with respect to the imposition of the fine, restitution, and costs. [Doc. 7].

Upon careful consideration of the Appellant's motion, and for cause shown, the Court will stay the sentence with respect to the imposition of the fine, restitution, and costs. See Fed. R. Crim. P. 38(c), (e). That portion of the Judgment prohibiting the Appellant from interfering with the use of Forest Service Road 118A in any manner shall remain in effect during the pendency of the appeal.

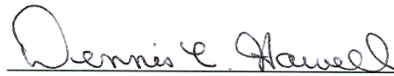
Accordingly, **IT IS, THEREFORE, ORDERED** that:

- (1) the Appellant's "Motion to Stay Judgement Pending Final Appeal" [Doc. 7] is **ALLOWED**;
- (2) the sentence to pay a fine of \$500, a \$10 assessment, a \$25 processing fee, and restitution in the amount of \$3,250 to the United States Forest Service is **STAYED** pending resolution of the appeal; and
- (3) the portion of the Judgment prohibiting the Appellant from interfering with the use of Forest Service Road 118A in

any manner shall remain in effect during the pendency of
the appeal.

IT IS SO ORDERED.

Signed: July 21, 2010

_____

Dennis L. Howell
United States Magistrate Judge

